

Ex. 5 - Deliberative Process

for myself to follow the logic)

- The label “**substantial**” applies Aquifer Exemptions under #4, when aquifers less than 3,000 ppm TDS do not relate to **action on a permit** (there are no Auth. By Rule wells in Calif.).
- Therefore, if a particular Aq. Ex. does relate to action on a permit(s), it can be deemed “**non-substantial.**”

- Additionally, importantly, when we are currently considering the revising multiple aquifers throughout the entire state, which is **not related to action on a permit** (at least, not this total revision's action), this entire, but singular action is “**substantial**” and should go through all the requirements of 40 CFR Part 145.32.

Ex. 5 - Deliberative Process

From: Dermer, Michele
Sent: Thursday, February 28, 2013 11:44 AM
To: Salera, Jerry@DOC
Cc: Robin, George
Subject: RE: UIC Guidance 34

Hi Jerry,

I am on a short break from my training class and will send a quick reply. I recall an e-mail from George about this - You are referring to a “substantial” program revision (see page 5+ more in Guidance 34). EPA HQ will be involved, there are requirements for noticing in the federal register etc.

Regards, Michele

From: Salera, Jerry@DOC [<mailto:Jerry.Salera@conservation.ca.gov>]
Sent: Thursday, February 28, 2013 9:36 AM
To: Dermer, Michele
Cc: Robin, George
Subject: UIC Guidance 34

Hi Michele,

In our last meeting in Sacramento, you mentioned that the above guidance is the proper document that we should be following for identifying the requirements for AEs. We are getting this guidance 34 out to our districts and operators needing an AE. Reading through the document, it offers guidance on the requirements for a minor AEs. However, it doesn't discuss anything about the requirements for major AEs (equal or less than 3,000 mg/L TDs). Am I reading this document correctly? Can you please guide us on the **major AE part**. We have operators who are potentially looking at doing major AE applications.

Thank you and regards,

Jerry Salera

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